

Thomas R. Curtin  
Kathleen N. Fennelly  
GRAHAM CURTIN  
A Professional Association  
4 Headquarters Plaza  
P.O. Box 1991  
Morristown, New Jersey 07962-1991  
(973)-292-1700  
Attorneys for Defendant  
Alert Marketing, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

PHYSICIANS HEALTHSOURCE, INC., an  
Ohio corporation, individually and as the  
representative of a class of similarly-situated  
persons,

Plaintiff,

v.

JANSSEN PHARMACEUTICALS, INC.,  
ALERT MARKETING, INC., ORTHO-  
McNEIL PHARMACEUTICAL, INC.,  
ORTHO-McNEIL, INC., and JOHN DOES 1 -  
10,

Defendants.

Civil Action No. 12-2132 (FLW)(TJB)

**NOTICE OF MOTION TO DISMISS  
COMPLAINT PURSUANT TO  
F.R.C.P 12(b)(6)**

TO: Michael J. Canning  
Giordano, Halleran & Ciesla  
125 Half Mile Road, Suite 300  
Red Bank, New Jersey 07701-6777

Brian J. Wanca  
Anderson & Wanca  
3701 Algonquin Road, Suite 760  
Rolling Meadows, Illinois 60008

*Attorneys for Plaintiffs*

COUNSEL:

PLEASE TAKE NOTICE that on Monday, August 6, 2012, at 10 a.m. or as soon  
thereafter as counsel may be heard, defendant Alert Marketing, Inc. ("Alert") will move, by and

through its undersigned counsel, before the Honorable Freda L. Wolfson, U.S.D.J., for entry of an Order dismissing the Complaint pursuant to Fed.R.Civ.P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Alert will rely on the supporting Memorandum of Law submitted herewith, together with any papers it may submit in reply to any opposition filed.

PLEASE TAKE FURTHER NOTICE that a Proposed Form of Order is also submitted.

Date: June 25, 2012

Respectfully submitted,

/s/ Kathleen N. Fennelly  
Graham Curtin  
A Professional Association  
Attorneys for Defendant  
Alert Marketing, Inc.

Of counsel:  
Mark Sableman  
John W. Rogers  
Thomas L. Azar Jr.  
THOMPSON COBURN LLP  
One U.S. Bank Plaza  
St. Louis, Missouri 63102  
msableman@thompsoncoburn.com  
jrogers@thompsoncoburn.com  
tazar@thompsoncoburn.com  
(314) 552-6000